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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/633,828	08/04/2003	Mark Alan Burazin	17,842.1	5275
23556	7590	02/19/2004	EXAMINER	
KIMBERLY-CLARK WORLDWIDE, INC.			HALPERN, MARK	
401 NORTH LAKE STREET			ART UNIT	
NEENAH, WI 54956			PAPER NUMBER	

1731

DATE MAILED: 02/19/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

# Office Action Summary

Application No.

10/633,828

Applicant(s)

BURAZIN ET AL.

Examiner

Mark Halpern

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

## Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

## Status

- 1) ☐ Responsive to communication(s) filed on \_\_\_\_.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

## Disposition of Claims

- 4) ☒ Claim(s) 5-8 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 5-8 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_ are subject to restriction and/or election requirement.

## Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

## Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
  - ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_.
  - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

## Attachment(s)

- ☒ Notice of References Cited (PTO-892)
- ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- ☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
Paper No(s)/Mail Date 1/5/04.
- ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_.
- ☐ Notice of Informal Patent Application (PTO-152)
- ☐ Other: \_\_\_\_.

## DETAILED ACTION

### *Specification*

- 1) Cross reference to related application should be indicated on page 1 of the Specification.

### ***Claim Rejections - 35 USC § 112***

The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

- 2) Claims 5-8, are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Claim 1 recites the limitation "the web" in steps (g) and (h). There is insufficient antecedent basis for this limitation in the claim.

Claim 1 recites the limitation "the dried web" in step (i). There is insufficient antecedent basis for this limitation in the claim.

Claim 1 is not clear in that in reciting a method of making a bath tissue in steps (a) to (e), and a method of making a bath tissue in steps (f) to (j), the same terms are recited. It is suggested that steps (a) to (d) recite the term "paper web", and steps (f) to (i) recite the term "tissue web" to differentiate the process steps of making a bath tissue from the process steps of making a paper towel.

***Claim Rejections - 35 USC § 102***

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

- 3) Claims 5-8, are rejected under 35 U.S.C. 102(b) as being anticipated by Chen (WO 00/39393).

Claim 5: Chen teaches of a transfer fabric, which is a throughdrying fabric, structured such that it has high ridges 22 in the machine direction, and low ridges 23 in the cross machine direction. The low ridges height 27 is from 0.1 mm to about 2 mm. The low ridges width is from about 1 mm to about 4 mm. The distance between the low ridges is from about 0.5 mm to about 2 mm. Thus the center to center distance between the low ridges is from about 1.5 mm to about 6 mm (the present Figure 2A defines the ridges width as the distance of center to center of valleys), and the ridges cross machine frequency is between 0.15 and 0.6 per centimeter (Chen, pg. 6, line 18 to pg. 7, line 3, and Figures 1-7). This reads on claimed ridges height of about 0.5 to about 3.5 mm, ridges width of 0.3 cm, and ridges cross machine frequency of about 0.2 to about 3 per centimeter. The process wherein the throughdrying fabric is utilized is described in patent to Wendt (US 5,672,248) which is incorporated into Chen by reference (Chen, pg. 5, line 34 to pg. 6, line 2). A layered papermaking headbox 10 injects or deposits a stream of aqueous suspension of papermaking fibers onto forming fabric 12. The web is then transferred to fabric 13 dewatering the web while carrying

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the newly formed web. The web is then transferred from the forming fabric to transfer fabric 17 and then to a throughdrying fabric 19 of structure described by Chen above. The web is then further dried on throughdryer 21, and the dried web is wound onto reel 24. Reel calendaring or off-line calendaring is used refine the product (Wendt, col. 7, line 65 to col. 8, line 68, and Figure 1). The process forms a bath tissue and a paper towel (Wendt, Abstract). The process is making paper products having different basis weight, from a basis weight of about 10 to about 70 grams per square meter (Wendt, col. 2, lines 26-30). Thus, Chen discloses the present invention; discloses a method of making a bath tissue of a first basis weight utilizing the throughdrying fabric, and discloses a method of making a paper towel of a second basis weight utilizing the throughdrying fabric.

Claims 6-8: the height of ridges from 1.0 mm to about 2 mm disclosed by Chen reads on the claimed ridges heights from 0.6 mm to about 2 mm.

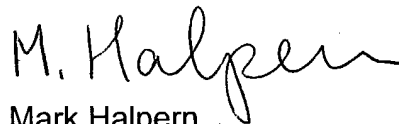
### **Conclusion**

4) Any inquiry concerning this communication or earlier communications from the examiner should be directed to Mark Halpern whose telephone number is 571-272-1190. The examiner can normally be reached on Monday to Friday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Steven Griffin can be reached on 571-272-1189. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



Mark Halpern  
Patent Examiner  
Art Unit 1731